

the company, should, or might, be invested in the State's stock, and deposited for years, in the State's treasury? The credit which would enable the company to borrow for the purpose of speculating in public stocks, it might be presumed, would equally enable it to borrow for the construction of its works. If it had been the meaning of the Legislature, that in any event, the company might acquire the State's stocks, then the more obvious way of accomplishing such intention, would have been to direct the commissioners, in that event, to transfer to the company, a certain portion of stock, in payment, or satisfaction of the subscription. By this expedient, the company would have been relieved from the necessity of bringing into market, a credit which had already been stretched to its utmost extent. The commissioners state, the contracts were made under the impression, that they (the companies entering into the contract) would, respectively, be entitled to receive from the treasury, out of the money so to be paid by them, for the bonds or certificates contracted for, the whole amount authorised to be subscribed on the part of the State, to the capital stock of each, if that sum should be found necessary to the completion of their respective works, in such proportions, not exceeding one million of dollars a year, as their necessities may require, and that neither of the other companies mentioned in the law, would be entitled to claim or receive any portion of it, on account of the sums subscribed on the part of the State, to the capital stock of said other companies. This impression, your committee respectfully submit, is wholly unwarranted by any thing in the law; nothing can be clearer, than that the proceeds of all sales made by the commissioners, were to form one aggregate fund, out of which the requisitions of all the companies mentioned in the law, were to be satisfied, in the order in which they might lawfully be made. Before dismissing this subject, your committee would suggest, that if (as is supposed) the act of 1836, ch. 395, is a contract between the State, on the one part, and the several companies enumerated therein, on the other, which this Legislature cannot annul or impair, the commissioners could have no authority, expressly or impliedly, to annul or impair this special stipulation, or article of that contract, entered into for the benefit of each of those companies.

The grounds upon which the commissioners rest their vindication, are, that the Chesapeake and Ohio Canal Company, and the Baltimore and Ohio Rail Road Company, were in necessitous circumstances, and dependent in fact, for a continuance of their operations, on the speedy disposition of those stocks; that the State would suffer largely by their suspension, in her general interests, and might be compelled to raise, by direct taxation, the interest which would accrue on her debt, contracted on account of her investments as a stockholder in those works; and that the loss which might be sustained by a resale of the stocks at depreciated prices, on account of the companies, would be less than the loss which would inevitably result from the suspension or failure of the companies. These three propositions cover the substance of the defence. The remoter views of general